

Message Text

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ACTION L-03

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FM AMEMBASSY TEGUCIGALPA
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INFO AMEMBASSY SAN JOSE
COMCUSTOMS WASHDC IMMEDIATE
DEPT OF TRANSPORTATION IMMEDIATE
DEPT OF JUSTICE IMMEDIATE
EPIC EL PASO
COMLANT AREA COGARD NY
CCGD SEVEN MIAMI IMMEDIATE
INS WASHDC IMMEDIATE
DEA WASDC IMMEDIATE

UNCLAS TEGUCIGALPA 4652

EO 11652 N/A
TAGS: SNAR, PLOS, HO
SUBJECT: VISIT OF HONDURAN ATTORNEY TO INITIATE PROCEEDINGS IN JULIAN
A
AND YOSURU CASES

REF: (A) STATE 231217 (DTG 270143Z SEP 77), (B) TEGUCIGALPA 4620
(DTG 291717Z SEP 77), (C) STATE 228536 (NOTAL)(DTG 222122Z SEP 7
7)

1. FOREIGN MINISTER ROBERTO PALMA GALVEZ CALLED THE EMBASSY
SEPTEMBER 29 TO ADVISE THAT ATTORNEY ITALO TUGLIANI,
SPECIAL ADVISER TO THE HONDURAS NAVAL FORCE, WILL TRAVEL
TO BOSTON SEPTEMBER 30 TO WORK WITH THE HONDURAS CONSUL
THERE IN INITIATING GOH LEGAL PROCESS AGAINST DEFENDANT
OFFICERS AND CREW OF THE JULIANA I. IN A SUBSEQUENT MEETING
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TUGLIANI PROVIDED EMBOFF A COPY OF A MEMORANDUM SUMMARIZING
A MEETING BETWEEN NAVAL FORCE OFFICERS, SUPREME COURT
MAGISTRATES AND MR TUGLIANI. IT MAKES THE FOLLOWING POINTS,
IN WHICH THE MAGISTRATES CONCURRED:

A. IT IS HONDURAS' RESPONSIBILITY, IN ACCORDANCE INTERNATIONAL
JURIDICAL DOCTRINE REGARDING MARITIME LAW, TO

RECOGNIZE AND PROSECUTE THE CRIMES COMMITTED BY THE CREW AND OTHER PERSONS OF THE JULIANA I AND YOSURU AND TO PUNISH THEM IN ACCORDANCE WITH HONDURAN LAWS, REGULATIONS, ETC.

B. REGARDING PROCEDURE (PER ART 90 OF CONSULAR REGULATIONS) HONDURAN CONSULS ARE EMPOWERED TO INITIATE THE CRIMINAL PROCESS AND LODGE CORRESPONDING SUMMARY CHARGES. THEY MUST UNDERTAKE THE FOLLOWING STEPS OR ACTIONS AS NECESSARY AND IN ACCORDANCE WITH THEIR URGENCY: PREPARE ARREST WARRANTS, TAKE INVESTIGATIVE STATEMENTS REGARDING RELEVANT FACTS, TAKE THE VESSELS AS MATERIAL INSTRUMENTS OF THE CRIMES, APPOINT EXPERTS TO INSPECT THE VESSELS AND OTHER ITEMS ABOARD, TAKE STATEMENTS OF WITNESSES, ETC.

C. THAT ITALO G TUGLIANA SHOULD TRAVEL TO BOSTON AND MIAMI TO DIRECT AND ADVISE CONSULS REGARDING LEGAL FORMALITIES, AND THAT HE RETURN WITH SUMMARY DOCUMENTS TO FURTHER PROCESSING BY THE JUDICIARY IN THE JULIANI AND YOSURU CASES.

D. THAT APPROPRIATE INSTRUCTIONS AND ORDERS BE SENT TO HONDURAS CONSULS IN BOSTON AND MIAMI.

2. MR TUGLIANI INFORMED THE EMBASSY THAT HONDURAS REGULATIONS FOR THE CONTROL OF HEROIN AND INTOXICATING DRUGS AND THE SANITARY CODE WHICH PROHIBIT THE CULTIVATION, PROCESSING, DISTRIBUTION AND USE OF MARIJUANA (CANNABIS) AND ITS EXTRACTS
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ARE APPLICABLE IN ADDITION TO OTHER LAWS PREVIOUSLY CITED IN THESE CASES. HE IS CARRYING COPIES OF THESE AND OTHER LAWS AND REGULATIONS WITH HIM TO THE U.S.

3. INTERESTED USG AGENCIES ARE REQUESTED TO CONTACT MR TUGLIANI AT THE HONDURAS CONSULATE IN BOSTON TO FACILITATE PROCESSING JULIANA AND YOSURU CASES.
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